

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9/10/2009 have been fully considered but they are not persuasive in view of the view grounds of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komor, US 3457866 in view of Conery et al., US 3704078 and McFarlin, US 3719436. Komor, US 3457866 shows, except for the bracketed features:

A submersible motor unit for use in driving a pump submerged in a liquid, said motor unit comprising:

- a housing member 25;
- a stator 26 at least partially enclosed by said housing member;

an inner member 56 at least partially enclosed by said stator, said inner member being disposed in a coaxial relationship with said housing member and forming a rotor chamber;

a rotor 22 at least partially enclosed by said inner member;

a drive shaft 33 to be operatively coupled to said rotor and rotatably supported in said rotor chamber;

a first end wall (41) and a second end wall (31) each connected with said housing member and said inner member, wherein said first and second end walls cooperate with said inner member and said housing member to form a stator chamber that extends around, and is located radially outward of, said rotor chamber,[at least one of the first end wall and the second end wall including a threaded stud;] and

[a capacitor disposed within said stator chamber and insulated from said stator.]

Komor, US 3457866 does not expressly disclose the bracketed features. Each of the secondary references is independently combinable with the base reference.

Conery et al., US 3704078 discloses a capacitor disposed within said stator chamber and insulated (inherent, to prevent shorting) from said stator for the inherent purpose of placing the capacitor close to the windings to reduce power losses in long power lines . At the time the invention was made, it would have been obvious to a

person of ordinary skill in the art to place a capacitor in the stator chamber of the device of Komor, US 3457866. One of ordinary skill in the art would have been motivated to do this reduce power losses in long power lines.

McFarlin, US 3719436 discloses use of a threaded stud fastener to attach the end cap on a pump motor for the inherent purpose of releasably securing the end cap to the stator housing in a readily aligned manner, see column 5, lines 15-20. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a threaded stud to attach the end wall or plate of the device of Komor, US 3457866. One of ordinary skill in the art would have been motivated to do this to releasably secure the end plate or wall in a pre-aligned manner.

Re claim 9, 10 and 12, note bearings contiguous with shaft 33, mounted to end walls, in Komor, US 3457866 which inherently rotatably support the rotor.

Re claims 11 and 13 note that one would be motivated to keep the leads with the stator housing to provide the shortest route to the stator windings and protect the windings from damage.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Komor, US 3457866 and Conery et al., US 3704078 and McFarlin, US 3719436 in view of Conrad et al., US 3631275. The combination of Komor, US 3457866 and Conery et al., US 3704078 discloses the invention substantially as

claimed as set forth in the rejection of claim 6, supra. The combination of Komor, US 3457866 and Conery et al., US 3704078 and McFarlin, US 3719436 does not expressly disclose, "...further comprising a potting compound that at least partially encloses said capacitor to insulate said capacitor.". Conrad et al., US 3631275 disclose potting a submersible motor capacitor, for the purpose of sealing the device. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to pot the capacitor of the combination of Komor, US 3457866 and Conery et al., US 3704078 and McFarlin, US 3719436. One of ordinary skill in the art would have been motivated to do this seal the capacitor and prevent corrosion.

Allowable Subject Matter

Claims 1-5, 7 and 14 are allowed for the reasons recited the office action of 3/10/2009.

Re claims 15-17, the following is a statement of reasons for the indication of allowable subject matter: The limitations of, "... an annular capacitor at least partially positioned within the stator chamber, the annular capacitor having an inner diameter substantially equal to the first diameter of the rotor chamber, the annular capacitor positioned between the stator and the upper end wall.", in combination with the remaining claimed structure is neither found nor fairly suggested in the prior art or any combination thereof as re claim 15-17.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to 9 whose telephone number is (571)272-2035. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached at (571) 272-8188. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2834

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David W. Scheuermann whose telephone number is (571) 272-2035. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

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Supervisory Patent Examiner, Art Unit 2834

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